



Attorney/Docket No. 045600/274148

**DECLARATION (37 CFR § 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR § 1.76) WITH POWER OF ATTORNEY**

Title of Invention: AXMI-009, A DELTA-ENDOTOXIN GENE AND METHODS FOR ITS USE

As the below named inventors, we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 10/782,096, filed on February 19, 2004,
- ☐ as amended on ____ (if applicable);

We believe that we are the original and first inventors of the subject matter which is claimed and for which a patent is sought;

We have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

We acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of our knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number:

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FULL NAME OF INVENTOR(S)

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Citizen of: US

Signature: Nadine Carozzi

Date Signed: May 03, 2004

Inventor two: Tracy Hargiss

Citizen of: US

Signature: Tracy Hargiss

Date Signed: 5/10/04

Inventor three: Michael G. Koziel

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Signature: Michael Koziel

Date Signed: 5-3-2004

Inventor four: Nicholas B. Duck

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Date Signed: 5-4-2004

Inventor five: Brian Carr

Citizen of: US

Signature: Brian Carr

Date Signed: 5/3/04